

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Socrates Rivera Marcos, individually and on
behalf of others similarly situated,

Plaintiff(s)

v.

Fallsburg Bagels, LLC (d/b/a Fallsburg
Bagels), Shloime Perlstein and Yochonon
Klitnick,

Defendant(s)

Civil Action No. :25-cv-03498-OEM-RML

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* See attached rider

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in **Fed. R. Civ. P. 12** (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael Faillace
Michael Faillace & Associates, P.C.
60 East 42nd Street, Suite 4510
New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENNNA B. MAHONEY
CLERK OF COURT

s/ *Kimberly Davis*

Signature of Clerk or Deputy Clerk

Date: 6/24/2025



Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
Socrates Rivera Marcos, individually and
on behalf of others similarly situated,

Plaintiffs,

-against-

Fallsburg Bagels, LLC (d/b/a Fallsburg
Bagels), Shloime Perlstein and Yochonon
Klitnick,

Defendants.

Index No.

**RIDER TO REQUEST FOR
SUMMONS**

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Fallsburg Bagels, LLC
(d/b/a Fallsburg Bagels)
4602 16th Avenue
Brooklyn, NY 11204

Shloime Perlstein
4602 16th Avenue
Brooklyn, NY 11204

Yochonon Klitnick
4602 16th Avenue
Brooklyn, NY 11204